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**AUG 04 2008**

**OFFICE OF PETITIONS**

In re Application of  
Burkett

Application No. 10/650,603

Filed: August 28, 2003

Attorney Docket No. ACS 65356 (1747D)

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b) (2)) within the time period provided in 37 CFR 41.37(a) (i). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed February 27, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on April 28, 2007. *See* MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal brief, (2) the required petition fee, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 2726 for appropriate action by the Examiner.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions